IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1582 OF 2006

Maruti Sitaram Chavan & Ors. ..
Petitioners.
Vs.
Ramrao Ishwara Chavan ..Respondent.

...

Mr. S.S. Swadi i/b Mr. S.G. Deshmukh for the Petitioners.

CORAM : DR.D.Y.CHANDRACHUD, J.

13th April, 2006.

P.C.:

The Defendant's application for appointment of a Court Commissioner under Order 26 Rule 9 or Rule 10-A of the Code of Civil Procedure, as the case may be, has been dismissed. The Plaintiff has filed a suit for an injunction in which an amendment to pray for removal of an encroachment came to be allowed. It is for the Plaintiff to establish his case. A Commissioner cannot be appointed for collecting evidence. There is no merit in the petition which is accordingly dismissed.